

1 **ANDREW CAMERON BAILEY**
2 **CONSTANCE BAXTER MARLOW**
3 153 Western Avenue
4 Glendale, CA 91201

5 Phone: (928) 451-2043
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7 *Plaintiffs in pro per*

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**
11

12 **U.S. BANK NA AS TRUSTEE FOR**
13 **WFMBS 2006-AR2**

14 Plaintiff,

15 vs.

16 **ANDREW CAMERON BAILEY**
17 **CONSTANCE BAXTER MARLOW**
18 Defendants.
19

Case No: 11C04038

**NOTICE TO ADVERSE PARTY
OF REMOVAL TO FEDERAL
COURT OF ACTION UNDER 28
U.S.C. § 1441**

Removal of Case No. 11C04038

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24 **TO: THE CLERK OF THE ABOVE-ENTITLED COURT AND ALL**
25 **INTERESTED PARTIES:**
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PLEASE TAKE NOTICE that Defendants Constance Baxter Marlow and Andrew Cameron Bailey, California residents, provide that a Notice of Removal of this action was filed in the United States District Court for the Central District of California on or about April 15, 2011. A true and correct copy of the Notice of Removal is attached to this Notice, and is served, included and filed herewith.

DATED April 19, 2011

/s/ Andrew Cameron Bailey

Andrew Cameron Bailey, Defendant in Pro Per

/s/ Constance Baxter Marlow

Constance Baxter Marlow, Defendant in Pro Per

Copy of the foregoing mailed on April 20th, 2011 to:

TFLG a Law Firm,
Noah M. Bean, Esq.
Eric G. Fernandez, Esq.
Laurie Howell, Esq.
2121 2nd Street, Suite C-105
Davis, CA 95618

Attorneys for Plaintiff

1 **ANDREW CAMERON BAILEY**
2 **CONSTANCE BAXTER MARLOW**
3 153 Western Avenue
4 Glendale, CA 91201

5 Phone: (928) 451-2043
6 Email: andrew@cameronbaxter.net

7 *Plaintiffs in pro per*

8 **UNITED STATES DISTRICT COURT**
9
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **ANDREW CAMERON BAILEY**
12 **CONSTANCE BAXTER MARLOW**

13 Plaintiffs

14 Vs.

15
16 U.S. BANK NA AS TRUSTEE FOR
17 WFMBS 2006-AR2; WELLS FARGO
18 BANK NA; WELLS FARGO HOME
19 MORTGAGE; WELLS FARGO ASSET
20 SECURITIES CORPORATION; LEHMAN
21 BROTHERS INC; and all persons claiming
22 by, through, or under such person, all
23 persons unknown, claiming any legal or
24 equitable right, title, estate, lien, or interest
25 in the property described in the complaint
26 adverse to Plaintiffs' title thereto; and JOHN
27 DOES "1-10" inclusive,

28 Defendants

Case No.: CV11-3227 GW(CWx)

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441**

Removal of Case No. 11C04038

TO: THE CLERK OF THE ABOVE-ENTITLED COURT AND ALL
INTERESTED PARTIES:

1 PLEASE TAKE NOTICE that Plaintiffs Constance Baxter Marlow and
2 Andrew Cameron Bailey, (hereinafter "removing defendants") who are California
3 residents, hereby remove Los Angeles County Superior Court Case No. 11C04038
4 to the United States District Court for the Central District, Los Angeles Division.

5 1. On March 9, 2011, an action was commenced in the Superior Court
6 of the State of California in and for the County of Los Angeles, entitled
7 U.S.BANK NATIONAL ASSOCIATION, AS TRUSTEE, "Plaintiff" vs.
8 ANDREW CAMERON BAILEY, CONSTANCE BAXTER MARLOW AND
9 DOES 1 – 5, "Defendants", as Case No. 11C04038. A true and correct copy of
10 the Complaint is attached hereto as Exhibit "A".

11 2. The first date upon which removing defendants Constance Baxter
12 Marlow and Andrew Cameron Bailey received a copy of said Complaint was on
13 or about March 14, 2011, when removing defendants received a copy of said
14 Complaint and the Summons in the action. A true and correct copy of the
15 Summons that accompanied the Complaint is attached hereto as Exhibit "B".

16 3. On or about March 18, 2011, removing defendants filed an answer to
17 the complaint; a true and correct copy of the answer is attached hereto as Exhibit
18 "C".

19 4. On April 12, 2011, removing defendants filed a Demurrer to the
20 Complaint; a true and correct copy is attached hereto as Exhibit "D".

21 5. Removing defendants are the trustors under a deed of trust secured by
22 the property that is the subject of plaintiff's complaint 153 Western Avenue,
23 Glendale, California (the "Property") with the beneficiary being WELLS FARGO
24 BANK, NA and/or US BANK, NATIONAL ASSOCIATION AS TRUSTEE
25 FOR WFMBS, MORTGAGE ASSET-BACKED PASS-THROUGH
26 CERTIFICATES SERIES 2006-AR2.

27 6. Removing defendants have filed the instant Complaint Case No.
28 CV11-3227 GW(CWX) to Quiet Title to the Property and for Injunctive Relief.

1 Additional causes of action exist and may be asserted for Fraud, TILA, RESPA
2 violations, Wrongful Foreclosure, *inter alia*.

3 7. Based on the foregoing, it is clear that Title is in question as a result
4 of violations of federal law, *inter alia*. Moreover, removing defendants
5 respectfully submit to this Court that U.S. BANK NA AS TRUSTEE FOR WFMBS
6 2006-AR2 *et al* through its counsel of record filed the underlying complaint
7 without providing evidence that it can meet the prima facie requirements
8 necessary to establish its standing or real party in interest status to bring its
9 complaint as it failed to provide properly endorsed and “duly perfected”
10 promissory note and properly certified and “duly perfected” deed of trust, thus
11 rendering its non-judicial foreclosure sale and or purchase of Defendants’ home
12 and the resulting trustee deed upon sale void, as a matter of law.

13 8. Removing defendants’ allegations in the forthcoming Federal Court
14 Complaint are primarily premised upon the true dispute as to ownership of the
15 subject Property.

16 9. This Court has original jurisdiction of this civil action pursuant to 28
17 U.S.C. § 1331, and hence this action may be removed to this Court by removing
18 defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that Plaintiff’s
19 allegations and claims appear to arise under the following federal statutes: 28
20 U.S.C. § 1446; violation of RESPA 12 U.S.C. § 2605, violation of Truth in
21 Lending Act 15 U.S.C. § 1601 et. seq., violation of Fair Debt Collection Practices
22 Act 15, U.S.C. §§ 1692 et. seq., rescission pursuant to TILA 15 U.S.C. § 1635(a)
23 and Regulation Z § 226.23(a)(3).

24 10. Pursuant to 28 U.S.C. §1445(a), removing defendants filed this
25 Notice of Removal in the District Court of the United States for the District and
26 Division within which the State Court action is pending.

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1 11. Pursuant to 28 U.S.C, § 1446(a) hereby attached as Exhibits A-D, are
2 true and correct copies of all other pleadings filed with the state court that are in
3 possession of the removing defendants.

4 12. Pursuant to 28 U.S.C. § 1446(d), removing defendants will promptly
5 give written notice of the removal to all adverse parties and will file a copy of the
6 notice with the clerk of the Los Angeles County Superior Court.

7 13. Removing defendants reserve the right to supplement this Notice of
8 Removal when additional information becomes available. Removing defendants
9 further reserve all rights including, but not limited to, defenses and objections as
10 to venue, personal jurisdiction and service. The filing of this Notice of Removal is
11 subject to and without waiver of any such defense or objection.

12 WHEREFORE, removing defendants hereby remove Los Angeles County
13 Superior Court Case No.11CO4038 to the United States District Court for the
14 Central Division of California.

15
16 DATED: April 19, 2011

17
18 /s/ Andrew Cameron Bailey

19 **Andrew Cameron Bailey, Defendant in Pro Per**

20 /s/ Constance Baxter Marlow

21 **Constance Baxter Marlow, Defendant in Pro Per**

22 Copy of the foregoing mailed on April 20, 2011 to:

23
24 TFLG a Law Firm,
25 Noah M. Bean, Esq.
26 Eric G. Fernandez, Esq.
27 Laurie Howell, Esq.
28 2121 2nd Street, Suite C-105
Davis, CA 95618
Attorneys for Plaintiff U.S. BANK NA AS TRUSTEE FOR WFMBS 2006-AR2